

NICKLES LAW FIRM, LLC
- ATTORNEYS AT LAW -
1519 Richland Street
Columbia, South Carolina 29201

W. Allen Nickles, III
Certified Circuit Court Mediator

Telephone: (803) 779-8080
Facsimile: (803) 256-1816
Email: wanickles@nickleslaw.com

September 10, 2013

Via Email (jkitchings@sccourts.org) & U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: George Glassmeyer v. City of Columbia
Appellate Case No.: 2013-001880**

Dear Ms. Kitchings:

As we discussed by telephone today, I am responding to your enclosed letter of September 9, 2013 questioning the timeliness of the above appeal. As I indicated in our telephone conversation, I communicated with counsel for the Plaintiff/Respondent as well as Judge Cooper concerning ripeness for appeal pending his issuance of a final order on attorney fees in this proceeding.

I have enclosed a copy of my correspondence to Judge Cooper, provided within thirty (30) days of the issuance of his order on reconsideration. As you will see, Judge Cooper confirms that he retained jurisdiction in this matter until the order on attorney fees was signed and filed on August 27, 2013. The present appeal was filed on September 4, 2013.

Kirby Shealy, counsel for Plaintiff/Respondent has authorized to communicate his concurrence in this matter. I am also providing a copy of this correspondence to Judge Cooper. Please contact me if you have any further questions.

Sincerely,



W. Allen Nickles, III

WAN/pfb
Enclosures
cc: The Hon. G. Thomas Cooper (via email only)
Kirby D. Shealy, Esquire (via email only)
File #13-207

RECEIVED

SEP 11 2013

SC Court of Appeals



RECEIVED
KOS...
SEP 10 2013
053004-000001

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 09, 2013

Mr. W. Allen Nickles, III
1519 Richland Street
Columbia SC 29201

Mr. Kirby Darr Shealy, III
PO Box 2285
Columbia SC 29202

Re: George Glassmeyer v. City of Columbia
Appellate Case No. 2013-001880

Dear Counsel:

This Court has received your notice of appeal. A preliminary review of the notice of appeal indicates this appeal may not have been timely served.

Accordingly, it is requested that both parties serve and file a memorandum addressing the issue of the timeliness of service of the notice of appeal within ten (10) days of the date of this letter. The time limits for perfecting the appeal are held in abeyance pending the Court's consideration of the memorandum.

Very truly yours,

Jenny A. Kitchings
CLERK

RECEIVED
SEP 11 2013

SC Court of Appeals

Al Nickles

From: Cooper, G. Thomas [GCooperJ@sccourts.org]
Sent: Tuesday, August 27, 2013 10:34 AM
To: Al Nickles; gcooperlc@sccts.org
Cc: Kirby Shealy
Subject: RE: Glassmeyer v City

It's been a hectic month-what with working this reduced schedule and vacation, I'm a little behind. I do not disagree that until a final ruling on the attorney's fee issue, the case is not ripe for appeal. I will have that Order signed and filed this week.

From: Al Nickles [mailto:wanickles@nickleslaw.com]
Sent: Wednesday, August 21, 2013 10:57 AM
To: Cooper, G. Thomas; gcooperlc@sccts.org
Cc: Kirby Shealy
Subject: Glassmeyer v City

Judge Cooper,

Although an order and judgment has been issued on the request for reconsideration in this matter, according to my review pending your ruling on Plaintiff's request for attorney fees the period for filing appeal on all issues remains open. Link v School Dist. of Pickens County, 302 SC 1, 393 SE2d 176 (1990) (final judgment disposes the whole proceeding)

It is my understanding that Mr. Shealy concurs in this position. I am communicating out of an abundance of caution to inquire whether you hold a different view.

W. Allen Nickles, III, Esquire
Nickles Law Firm, LLC
1519 Richland Street
Columbia, South Carolina 29201
803-779-8080 Telephone
803-256-1816 Facsimile
wanickles@nickleslaw.com

=====
=====

Confidentiality Notice:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message. If you have received this message in error, please contact me immediately and delete all copies of this message.

To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

=====
=====